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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 91198446 |
| Party | Defendant Aranetic LLC |
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| Attachments | Altegrity Answer to Opposition.pdf (5 pages)(131204 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Altegrity, Inc.,
Opposer,

v.

Aranetic LLC,
Applicant.

Opposition No. 91198446

Application Serial No. 85/032407

Mark: **ARANETIC** 

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Aranetic LLC (“Applicant”), owner of Federal Trademark Application Serial No. 85/032407 for the mark depicted in the caption above, to the Notice of Opposition served February 2, 2011 by Altegrity (“Opposer”) and assigned Opposition No. 91198446.

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 and accordingly denies the allegations.

2. Admitted that Opposer is the owner of U.S. Registration No. 3902599, attached to the Notice of Opposition, to the extent that the records of the U.S. Patent and Trademark Office and Trademark Trial and Appeal board substantiate the facts claimed. The remainder of paragraph 2 asserts conclusions of law, which can neither be admitted nor denied. Since Applicant can neither admit nor deny the remainder of paragraph 2 as written, Applicant must deny.

3. Admitted to the extent that the records of the U.S. Patent and Trademark Office and Trademark Trial and Appeal board substantiate the facts claimed.

4. Denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 and accordingly denies the allegations.

6. Denied.

7. Admitted.

8. Admitted.

9. Admitted.

10. Denied.

11. Denied.

12. Admitted.

13. Denied.

14. Admitted that after Opposer's acquisition of Kroll Ontrack in June 2010, Opposer began using its mark in connection with litigation support goods and services, similar to Applicant's use and intended use as reflected in Applicant's May 2010 application. The remainder of paragraph 14 is denied.

15. Admitted to the extent that goods and services from Opposer's June 2010 Kroll Ontrack acquisition are likely to be offered to the same persons as Applicant's goods and services. The remainder of paragraph 15 is denied.

16. Admitted to the extent that the channels of trade for goods and services from Opposer's June 2010 Kroll Ontrack acquisition overlap with those for Applicant's goods and services. The remainder of paragraph 16 is denied.

17. Admitted that there is no issue regarding priority with respect to those goods and services reflected in Opposer's initial registration. Denied that there is no issue regarding priority of Opposer's use of its mark in connection with litigation support goods and services after Opposer's entry into the litigation support market in August 2010. The remainder of paragraph 17 is denied.

18. Admitted to the extent that registration of Applicant's mark would create statutory rights in favor of Applicant. The remainder of paragraph 18 is denied.

In addition, Applicant sets forth the following affirmative defenses and statements in defense of its position:

19. Upon information and belief, Opposer's business prior to June 2010 was vetting potential employees for sensitive government positions, entirely separate from the litigation support market, as evidenced by, *inter alia*, the listing of goods and services in its U.S. Trademark No. 3902599 and the lack of overlap between those goods and services and the ones listed in Applicant's application.

20. Upon information and belief, Opposer did not enter the litigation support market at all until its acquisition of Kroll Ontrack, a large litigation support company, on June 7, 2010.

21. Upon information and belief, Opposer's use of its mark prior to June 2010 was limited to markets and channels of trade separate from those reflected in Applicant's May 2010 application.

22. Upon information and belief, the litigation support market is narrow, sophisticated, and highly specialized.

23. Upon information and belief, users of Applicant's goods and services are sophisticated purchasers.

24. Upon information and belief, users of Opposer's goods and services are sophisticated purchasers.

25. Applicant's mark and Opposer's mark are not likely to cause confusion, mistake, or deception to purchasers as to the source, sponsorship, or affiliation of Opposer's goods and services.

26. Applicant's mark is unique and distinctive.

27. Applicant's mark and Opposer's mark are different in appearance.

28. Applicant's mark and Opposer's mark are different in commercial impression.

29. Upon information and belief, Opposer's mark is not famous.

30. Applicant's mark does not and cannot dilute Opposer's mark.

31. Applicant's mark does not falsely suggest a connection with Opposer's mark.

WHEREFORE, Applicant asks that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial No. 85/032407 in the United States Patent and Trademark Office.

Dated this 14th day of March, 2011.



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Opposition No. 91198446

CERTIFICATE OF SERVICE

I hereby certify that true and complete copies of this ANSWER TO NOTICE OF OPPOSITION have been served on the following by delivering said copies on March 14, 2011, via First Class U.S. Mail, postage prepaid, to counsel for the Opposer at the following addresses:

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